

Application No.: 10/603,952

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Docket No.: 297912001602

REMARKS

Claims 1-11 and 13 are pending in this application. By this amendment, claim 12 has been canceled.

The specification stands objected to as failing to provide proper antecedent basis for "second end formation" as recited in claim 7. Applicants draw the Examiner's attention to p. 6, ¶0031 of the specification where it is stated, "[t]he graft has a tubular part 52 of any desired length according to the length of the by-pass to be made using the graft and an enlargement 54 at one or both ends of the tube 52 (only one is shown)." Applicants submit that in view of at least this section in the specification as filed, proper antecedent basis is present for "second end formation" as recited in claim 7.

Claim 5 stands objected to because the claim language is purportedly unclear with respect to the opposing sides of the second diameter being outwardly convex. Applicants draw the Examiner's attention again to p. 6, ¶0031 of the specification and FIG. 5, showing and describing reference numeral 66 as being sides of the enlargement 54 at opposite ends of the shorter diameter of the open end that are generally outwardly convex.

Claims 1-5 and 7-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ehrenfeld (USPN 5,156,619). Applicants respectfully traverse this rejection for at least the following reason. Ehrenfeld does not disclose a tube comprising "a narrower portion prior to commencement of said end formation" as required in the claims. The Examiner has cited reference numeral 24 of Ehrenfeld in support of the purported disclosure of this element. However, as discussed in col. 3, line 37 of the Ehrenfeld specification, "[g]raft 31 is anastomosed to aorta 24 in the usual manner by sutures 38 as illustrated in the side view in FIG. 5" (emphasis added). Applicants submit that a blood vessel (aorta) to which a graft is attached does not constitute anticipatory disclosure of the "narrower portion" claim element. Moreover, because the "narrower portion" claim element cannot be found anywhere within the Ehrenfeld reference, withdrawal of this rejection is respectfully requested.

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Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ehrenfeld. In view of the above remarks, claim 6 is dependent on a claim that appears to be allowable and therefore withdrawal of this rejection is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 297912001602. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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